

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RODNEY NATHANIEL,
Plaintiff,

v.

ANDINA PROPERTY, LLC,
Defendant.

Case No. 20-cv-00319-JCS

ORDER TO SHOW CAUSE

This action was initiated by Rodney Nathaniel, who filed a notice of removal stating that he is removing from San Francisco Superior Court a case with the caption Andina Property LLC v. Laura Elizabeth (sued as Laura Fox), Laura Aleta Elizabeth (sued as Laura Fox aka Beth Fox) and Does 1-10. Pursuant to the 28 U.S.C. § 1446, a defendant seeking to remove a state court action to federal court is required to “file in the district court of the United States for the district and division within which such action is pending a notice of removal . . . [and] a copy of all process, pleadings, and orders served upon such defendant or defendants in such action.” 28 U.S.C.A. § 1446(a). Nathaniel did not file in this Court a copy of the state court complaint or any other state court process, pleadings or orders with his Notice of Removal and therefore, his removal does not meet the requirements of §1446(a).

Because the state court complaint has not been supplied, the Court cannot determine whether there is federal jurisdiction over this case under 28 U.S.C. § 1331 (federal question). *See Wayne v. DHL Worldwide Express*, 294 F.3d 1179, 1183 (9th Cir. 2002) (“The presence or absence of federal-question jurisdiction is governed by the ‘well-pleaded complaint rule,’ which provides that federal jurisdiction exists only when a federal question is presented on the face of the plaintiff’s properly pleaded complaint.”). Likewise, the Court cannot determine whether the

1 requirements of diversity jurisdiction under 28 U.S.C. § 1332 are met as the Court cannot
2 determine the citizenship of the parties to the state court action or whether the amount-in-
3 controversy requirement is satisfied. Nor has Nathaniel alleged facts in the Notice of Removal
4 that would allow the Court to make this determination. Indeed, it is not even clear if Nathaniel is a
5 defendant in the state court action that he is purportedly removing.

6 Accordingly, Nathaniel is ORDERED TO SHOW CAUSE why this case should not be
7 dismissed or remanded to state Court for lack of federal jurisdiction. Nathaniel shall file a written
8 response, not to exceed five (5) pages, along with a copy of the state Court complaint he seeks to
9 remove to federal court, no later than **February 28, 2020**.

10 **IT IS SO ORDERED.**

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12 Dated: February 10, 2020

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15 JOSEPH C. SPERO
16 Chief Magistrate Judge
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